

REMARKS

Reconsideration is respectfully requested in view of any changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

On February 13, 2008 applicants' representative, Daniel P. Morris had a telephonic interview with Examiner Dudek. Examiner Dudek acknowledged that claims 14, 64, 65, 73, 94, 103 and 121 were allowed in Office Action dated 09/07/2005. Examiner Dudek indicated that if applicants cancelled all pending claims except for claims 14, 64, 65, 73, 94, 103 and 121, this would place this application in condition for allowance. Applicants have followed the Examiner's suggestion and this application should be in condition for allowance.

This Second Supplementary Amendment adds new claims and corrects typographical errors in the Remarks of the Supplementary Amendment dated 4-8-08 and makes amendments to previously presented claims and added claims. Applicants request the Examiner disregard the remarks of the Supplementary Amendment dated 4-8-08 and to consider these remarks in place thereof.

New claims 161 to 164 were added by the Supplementary Amendment dated 4-8-08.

New claims 165 to 178 are added by this Second Supplementary Amendment.

Claim 161 as amended is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuing application thereof with the additional limitations:

said reflector/absorber layer partially reflects and partially absorbs said light incident on said spatial light modulator, said reflector/absorber layer is not a black layer and has a reflectivity less than bulk aluminum.

Claim 163 is identical to claim 1 of US 5461501 (Sato et al.) with the additional limitations:

"at least one of said first metal layer, said second metal layer and said third metal layer has disposed in contact therewith a reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer is not a black layer and said reflector/absorber layer and has a reflectivity less than bulk aluminum."

New claim 165 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

said reflector/absorber layer partially reflects and partially absorbs said light incident on said spatial light modulator, said reflector/absorber layer is not a black layer and said reflector/absorber layer is disposed between a dielectric layer and an electrically conductive layer, said reflector/absorber layer has a different chemical composition than said dielectric layer and said electrically conductive layer.

New claim 167 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

at least one of said first metal layer, said second metal layer and said third metal layer has disposed in contact therewith a reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer is not a black layer and said reflector/absorber layer has a different chemical composition than said dielectric layer and said at least one of said first metal layer, said second metal layer and said third metal layer to which said reflector/absorber layer is disposed in contact

New claim 169 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

said reflector/absorber layer partially reflects and partially absorbs said light incident on said spatial light modulator, said reflector/absorber layer is not a black layer and said shielding of said reflector/absorber layer attenuates said light incident on said spatial light modulator by a factor of at least about 100,000 before passing into said semiconductor substrate.

New claim 171 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

at least one of said first metal layer, said second metal layer and said third metal layer has disposed in contact therewith a reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer is not a black layer and wherein said reflector/absorber layer in combination with said first slits, said second slits and said third slits being located so as to be displaced from each other in a direction parallel to said surface of said semiconductor substrate so as to prevent light projected from said opposite substrate side thereto to reach said semiconductor substrate attenuates said light by a factor of at least about 100,000 before passing into said semiconductor substrate.

New claim 173 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

said reflector/absorber layer partially reflects and partially absorbs said light incident on said spatial light modulator, said reflector/absorber layer comprises a first layer comprising aluminum, at least one surface of said first layer has a first surface having a first layer disposed in contact therewith comprising titanium.

New claim 175 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

at least one of said first metal layer, said second metal layer and said third metal layer has a first surface disposed in contact with a first

reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer comprises titanium.

New claim 179 is substantially identical to claim 1 of US 6,424,388 of which the present application is a continuation application with the additional limitations:

at least one of said first metal layer, said second metal layer and said third metal layer has a first surface disposed in contact with a first reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer comprises titanium.

New claim 180 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

at least one of said first metal layer, said second metal layer and said third metal layer comprises a reflector/absorber structure which partially reflects and partially absorbs said light incident there, said least one of said first metal layer, said second metal layer and said third metal layer comprises aluminum and has a first surface and an opposite second surface, said first surface has disposed in contact therewith a first layer comprising titanium, said second surface had disposed in contact with a layer comprising titanium.

New claim 181 is identical to claim 1 of US 5,461,501 (Sato et al.) with the additional limitations:

each of said first metal layer, said second metal layer and said third metal layer comprises a reflector/absorber structure which partially reflects and partially absorbs said light incident there, each of said first metal layer, said second metal layer and said third metal layer comprises aluminum and each has a first surface and an opposite second surface, said first surface has disposed in contact therewith a first layer comprising titanium, said second surface had disposed in contact with a layer comprising titanium.

Sato et al. has no teaching or suggestion of the limitations added to claim 1 of US 6,424,388, an ancestral application of the present application and of the limitation added to claim 1 of Sato et al. Sato et al. does not teach reflector/absorber layer as recited in applicants added claims 161, 163, 165, 167, 171, 173, 155, 177, 179, 180 and 181 and in fact teaches away from such teaching.

Sato Col. 10 lines 37-49 where Sato teaches aluminum layers as light blocking layers which teaches away from applicants' added claims 161 and 163 reciting that the reflector/absorber layer have a reflectivity of less than bulk aluminum. Applicants teach in Fig. 4 structures useful as reflector/absorber layers which have reflectivity of less than 91% and teaches that bulk aluminum has a reflectivity of about 92% at page 12, lines 4-5 of the specification, Applicants' claims 161 and 163 recite that the reflector/absorber layer is not black. A black layer does not reflect light. Applicants reflector/absorber layer does reflect light. (Note this sentence was stated incorrectly in the amendment dated 4-8-08) The Dictionary.com Unabridged (v 1.1) which is based on the Random House Unabridged Dictionary, © Random House, Inc. 2006, defines the adjective "black" to mean "absorbing light without reflecting any of the rays composing it." Sato et al. teaches away from applicants' recitation at Col 10, lines 64 - Col. 11, line 1, which teaches "the photo-current can be reduced also by disposing layers made of black material on the front or rear surface of the first aluminum layer AL1 206 acting as the first wiring layer or the rear surface of the second aluminum layer AL2 208 acting as the second wiring layer and patterning them in a same shape as the different wiring layers" Thus applicants' added claims 161 and 163 are not obvious in view of Sato et al. which teaches away from applicants' claimed invention.

Added claims 165 and 167 recite that the "reflector/absorber layer is not black" which as stated above in Sato et al. teaches away from and recite that the "reflector/absorber layer has a different chemical composition than said dielectric layer and said electrically conductive layer" in the case of claim 167 "reflector/absorber layer has a different chemical composition than "a metal layer. Sato et al., has no teaching directed to this.

Added claims 169 and 171 recite that the “reflector/absorber layer is not black” which as stated above Sato et al., teaches away from and recite that the recited structure “alternates said light from passing into said semiconductor substrate by a factor of at least about 100,000.” Sato et al., has no such teaching directed to this.

Added claims 173 recites “said reflector/absorber layer comprises a first layer comprising aluminum, at least one surface of said first layer has a first surface having a first layer disposed in contact therewith comprising titanium.” Sato has no teaching of this.

Added claim 175 and 179 recite “reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer comprises titanium.” Claims 180 and 181 have similar recitations. Sato has no teaching of this.

Thus applicants’ added claims 161-181 are not obvious in view of Sato et al., which teaches away from applicants’ claimed invention.

Each claim 14, 64, 65, 73, 94, 103, 121, 161, 163, 165, 167, 169, 171, 173, 175, 179, 180 and 181 is an independent claim. Applicants believe that each of these claims is directed to a patentably distinct invention or a patentably distinct species with no generic claim to these species. Applicants suggest the following restriction requirement.

Group	Claims in the Group
1	14
2	64
3	65
4	73
5	94
6	103
7	104

8	161, 162
9	163, 164
10	165, 166
11	167, 168
12	169, 170
13	171, 172
14	173, 174
15	175, 176
16	177, 178
17	179
18	180
19	181

If the Examiner agrees with applicants' Suggested Restriction Requirement, applicants elect without traverse Group 17, applicants authorize the Examiner to cancel claims 14, 64, 65, 73, 94, 103, 104, 161 to 178, 180 and 181 by Examiner's amendment, request that the Examiner state in the Examiner's amendment agreement with the Suggested Restriction Requirement and issue a Notice of Allowance for claim 179.

If the Examiner does not agree with the Suggested Restriction Requirement, applicants' respectfully request a Notice of Allowance for claims 14, 64, 65, 73, 94, 103, 104, 161 to 180 and 181.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final

rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

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